SUPREME COURT OF THE UNITED STATES

DANNY SMITH *v.* OHIO

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

No. 89-5999. Decided March 5, 1990

JUSTICE MARSHALL, dissenting.

Although I agree that the limited information before us appears to indicate that the Ohio Supreme Court erred in its decision below, I continue to believe that summary dispositions deprive litigants of a fair opportunity to be heard on the merits and significantly increase the risk of an erroneous decision. See *Pennsylvania* v. *Bruder*, —— U. S. ——, —— (1988) (MARSHALL, J., dissenting); *Rhodes* v. *Stewart*, —— U. S. ——, ——(1988) (MARSHALL, J., dissenting); *Buchanan* v. *Stanships*, 485 U. S. 265, 269–270 (1988) (MARSHALL, J., dissenting); *Commissioner* v. *McCoy*, 484 U. S. 3, 7–8 (1987) (MARSHALL, J., dissenting). I therefore dissent from the Court's decision today to reverse summarily the judgment below.